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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,254	07/02/2001	Lori Clifton	10004167-1	9983

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EXAMINER

SAFAIPOUR, HOUSHANG

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/897,254	CLIFTON, LORI
	Examiner Houshang Safaipour	Art Unit 2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 July 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Allen et al. (U.S. Patent No. 6,291,829).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, Allen et al discloses discloses a device for determining the media type of source media, comprising:

a light source positioned to illuminate at least a portion of the source media (fig. 1);
a sensor positioned relative to said light source to view at least a portion of the source media illuminated by said light source (fig. 1); and
a controller connected to said sensor (fig. 2).

Regarding claim 2, Allen et al discloses discloses the device of claim 1, wherein said light source is a light emitting diode (col. 5, lines 52-64).

Regarding claim 3, Allen et al discloses discloses the device of claim 1, wherein said light source is incandescent (col. 5, lines 52-64).

Regarding claim 4, Allen et al discloses discloses the device of claim 1, wherein said sensor is a photoelectric cell (fig. 9).

Regarding claim 5, Allen et al discloses discloses the device of claim 1, wherein said sensor is a charge-coupled device (fig. 1).

Regarding claim 6, Allen et al discloses discloses the device of claim 1, wherein the source media is interposed between said light source and said sensor (fig. 1).

Regarding claim 7, Allen et al discloses discloses the device of claim 1, wherein the source media has a surface, and wherein said light source and said sensor both face said surface (fig. 1).

Regarding claim 8, Allen et al discloses discloses the device claim 1, further comprising a scan module for scanning the source media, said scan module connected to said controller, wherein said controller interprets scan data received from said scan module based on data received from said sensor (col. 5, line 65 through col. 6, line 40).

Regarding claim 9, Allen et al. discloses a method for adjusting the interpretation of scanned data based on the type of source media scanned, comprising:

illuminating at least a portion of the source media (fig. 1);
sensing at least part of the illuminated portion of the source media (fig. 1, sensor 22); and
determining the media type of the source media based on said sensing (col. 6, lines 60-66).

Regarding claim 10, Allen et al. discloses the method of claim 9, wherein said sensing comprises sensing light transmitted through said source media (col. 5, lines 4-7).

Regarding claim 11, Allen et al. discloses the method of claim 9, wherein said sensing comprises sensing light reflected from the source media (col. 5, lines 4-7).

Regarding claim 12, Allen et al. discloses the method of claim 9, wherein said determining comprises selecting one of a plurality of preset media types based on said sensing (col. 6, lines 60-65).

Regarding claim 13, Allen et al. discloses the method of claim 9, wherein said determining comprises determining the translucency of the source media based on said sensing (col. 8, lines 24-30).

Regarding claim 14, Allen et al. discloses the method of claim 9, further comprising: scanning the source media; generating data as a result of said scanning; and interpreting said data based on said determined media type (col. 6, lines 60-66).

Regarding claim 15, Allen et al. discloses the method of claim 14, further comprising transmitting said interpreted data to a marking engine for printing (fig. 2).

Regarding claims 16-19, the arguments analogous to those presented for claims 9-15 are applicable to claims 16-19.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipour whose telephone number is (703)306-4037. The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles, Sr. can be reached on (703)305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Houshang Safaipour
Patent Examiner
Art Unit 2622
July 10, 2004



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